

Michael L. Mallow (SBN 188745)
mmallow@shb.com
Rachel A. Straus (SBN 268836)
rstraus@shb.com
SHOOK, HARDY & BACON L.L.P.
2049 Century Park East, Suite 3000
Los Angeles, CA 90067-3204
Tel: (424) 285-8330 | Fax: (424) 204-9093

Amir Nassihi (SBN 235936)
anassihi@shb.com
Nalani Crisologo (SBN 313402)
ncrisologo@shb.com
SHOOK, HARDY & BACON L.L.P.
555 Mission Street, Suite 2300
San Francisco, CA 94105
Tel: (415) 544-1900 | Fax: (415) 391-0281

Attorneys for Defendant
TESLA INC.

[additional counsel listed in signature block]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ZACHERY WILLIAMS and MICHAEL MA,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

TESLA, INC. and DOES 1 through 10,
inclusive,

Defendants.

Case No. 4:20-cv-08208-HSG

**STIPULATION AND ORDER TO STAY
PLAINTIFF ZACHERY WILLIAMS'
CLAIMS AND TO CONTINUE THE CASE
MANAGEMENT CONFERENCE**

1 IT IS HEREBY STIPULATED by and between Plaintiffs Zachery Williams and Michael Ma
2 (“Plaintiffs”) and Defendant Tesla Inc. (“Tesla”) (collectively, the “Parties”), by and through their
3 respective counsel of record, that:

4 WHEREAS, on November 20, 2020, Plaintiffs filed their complaint (Dkt. 1);

5 WHEREAS, on November 25, 2020, Plaintiffs filed their Amended Complaint (Dkt. 7);

6 WHEREAS, on February 25, 2021, the Court ordered the parties’ stipulation setting Tesla’s
7 current deadline to respond to the Amended Complaint as March 31, 2021 and setting the Case
8 Management Conference for April 6, 2021 (Dkt 30);

9 WHEREAS, the parties have engaged in substantive and productive discussions about
10 Plaintiffs’ claims and continue to engage in those discussions;

11 WHEREAS, as the parties have discussed on several occasions, Tesla intends on filing a
12 motion to dismiss Plaintiff Ma’s claims and a motion to compel Plaintiff Williams’ claims to
13 arbitration;

14 WHEREAS, after meeting and conferring, the parties stipulate and agree that it would
15 conserve judicial and party resources and promote efficiency if the Court stays Plaintiff Williams’
16 claims until after it issues its order on Tesla’s motion to dismiss Plaintiff Ma’s claims. The parties
17 agree that the Court’s ruling on Tesla’s motion to dismiss Plaintiff Ma’s claims may impact whether
18 Tesla’s motion to compel Plaintiffs Williams’ claims to arbitration needs to be presented to the
19 Court;

20 WHEREAS, the parties further stipulate and agree, that after disposition of Tesla’s motion to
21 dismiss Ma’s claims, the parties will meet and confer about whether Tesla’s motion to compel
22 Plaintiffs’ Williams’ claims to arbitration needs to be presented to the Court;

23 WHEREAS, if Tesla files its motion to compel arbitration and that motion is denied, Tesla
24 agrees it will not file a motion to dismiss Williams’ claims. If Tesla believes there is a basis to
25 challenge Williams’ pleading that were not addressed by the Court’s ruling on Tesla’s motion to
26 dismiss Plaintiff Ma’s claims, Tesla will file a motion for judgment on the pleadings within the time
27 limits permitted by the Federal Rules;

1 WHEREAS, nothing in this stipulation shall prevent the parties from pursuing their appellate
2 rights, if any, to challenge the Court's ruling on Tesla's motion to compel arbitration;

3 WHEREAS, the parties further stipulate and agree, that it would also conserve judicial and
4 party resources and promote judicial efficiency if the Court continues the Case Management
5 Conference currently scheduled for April 6, 2021 to July 8, 2021 (approximately 30 days after the
6 hearing on Tesla's motion to dismiss Plaintiff Ma's claims);

7 THEREFORE, the Parties respectfully request the Court to order that:

8 (1) Plaintiff Williams' claims are stayed until after the Court issues its order on Tesla's
9 motion to dismiss Plaintiff Ma's claims;

10 (2) Within fourteen days of the Court issuing its order on Tesla's motion to dismiss Plaintiff
11 Ma's claims, the parties will file a joint report informing the Court whether they believe
12 Tesla's motion to compel Williams' claims to arbitration needs to be presented to the
13 Court, and if the parties believe Tesla's motion to compel Plaintiff Williams' claims to
14 arbitration needs to be presented to the Court, the parties will submit a requested briefing
15 and hearing schedule to the Court; and

16 (3) The Case Management Conference is continued to July 8, 2021.

17 IT IS SO STIPULATED.

18
19 Dated: March 25, 2021

Respectfully submitted
McCUNE WRIGHT AREVALO, LLP

20
21 By: /s/ David C. Wright
Mark I. Richards
Steven A. Haskins
David C. Wright

22
23 Attorneys for Plaintiffs
ZACHERY WILLIAMS and MICHAEL MA
24
25
26
27
28

1 Dated: March 25, 2021

SHOOK HARDY & BACON L.L.P.

2 By: /s/ Amir Nassihi
3 Amir Nassihi
4 Michael L. Mallow
5 Rachel A. Straus
6 Nalani Crisologo

7 Attorneys for Defendant
8 TESLA, INC.

9 Pursuant to L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has been
10 obtained from the other signatories.

11 By: /s/ Amir Nassihi
12 Amir Nassihi
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Having considered the parties' stipulation, and good cause showing, the Court hereby orders the following:

IT IS SO ORDERED.

- (1) Plaintiff Williams' claims are stayed until after the Court issues its order on Tesla's motion to dismiss Plaintiff Ma's claims;
- (2) Within fourteen days of the Court issuing its order on Tesla's motion to dismiss Plaintiff Ma's claims, the parties shall file a joint report informing the Court whether they believe Tesla's motion to compel Williams' claims to arbitration needs to be presented to the Court, and if the parties believe Tesla's motion to compel Plaintiff Williams' claims to arbitration needs to be presented to the Court, suggesting a briefing and hearing schedule for the motion; and
- (3) The Case Management Conference is continued to July 6, 2021 at 2:00 p.m.

Dated: 3/26/2021


HONORABLE HAYWOOD S. GILLIAM JR.
U.S. DISTRICT COURT JUDGE